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December 30, 2021

Via ECF

The Honorable Stewart D. Aaron, U.S.M.J.
 United States District Court
 Southern District of New York
 500 Pearl Street, Room 1970
 New York, New York 10007

Application GRANTED. The parties shall file a joint letter regarding the status of mediation no later than April 6, 2022. SO ORDERED.
 Dated: January 3, 2022



Re: *Anthony Arminio v. W.B. Mason Co., Inc., et al.*
Docket No.: 21-3033

Dear Judge Aaron,

This firm represents Plaintiff in the above-referenced matter. I write on behalf of all Parties regarding the current scheduling order, and a request to stay discovery pending the Parties' participation in private mediation. The request is detailed further *herein*.

By way of background, this matter is one of five separate matters pending in New York, New Jersey and Pennsylvania relating to employees of defendant W.B. Mason who are employed in the same title as Plaintiff (Account Executive) (collectively the "Lawsuits"). Three of the five Lawsuits are filed as class actions, where the employee plaintiffs *therein* allege they were deprived of lawfully owed commissions under state and federal law. Mr. Arminio, in the current case before this Court, also claims he was deprived lawfully owed commissions under state and federal law (similar to the allegations pending in the NY/NJ and PA class cases). Mr. Armino, however, has his own single plaintiff suit as his interests diverge from the class, in that he also has additional claims stemming from certain work he claims to have performed for W.B. Mason during the COVID-19 Pandemic when he was placed on furlough from in or about March of 2020 through in or about July of 2020 and for which he was not compensated his earned wages. (W.B. Mason disputes the factual allegations of Mr. Arminio's suit and reserves any defenses). While not all of the claims in the five Lawsuits are overlapping, there is a clear commonality of the witnesses and documents to be exchanged in the actions.

Over the course of the last two (2) months, the Parties have worked with counsel in all five (5) actions to target what discovery is necessary to appear for a meaningful private mediation, which mediation would be aimed at reaching a global resolution of all five (5) suits. In that vein, the Parties have confirmed a formal exchange of additional documents, and set formal designee depositions for WB Mason representatives for January 26 and 27th. The Parties have also secured



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the assistance of former Magistrate Judge Joel Schneider (ret of the District of NJ) to conduct a mediation of all five (5) matters on two (2) separate days: March 29 and 30, 2022.

In order to facilitate a resolution of this case (and those related), the Parties jointly and respectfully request a stay of the current scheduling order so the Parties can conserve resources and appear at formal mediation as scheduled. The Parties represent this request is made in the utmost good faith and to work diligently to resolve the matter, and not to delay the instant proceedings. If Your Honor has any questions or concerns related to this request, the Parties can make themselves available for a telephone conference or provide any additional information this Court desires.

Respectfully Submitted,

KARPF, KARPF & CERUTTI, P.C.

/s/ Ari R. Karpf

Ari R. Karpf, Esq.

cc: All counsel of record via ECF only